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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/787,093

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Gerhard D. Klassen

1679-5/JLW

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CANADA

EXAMINER

KEATON, SHERROD L

ART UNIT

PAPER NUMBER

2175

NOTIFICATION DATE

DELIVERY MODE

04/26/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

**Application No.**

10/787,093

**Applicant(s)**

KLASSEN ET AL.

**Examiner**

SHERROD KEATON

**Art Unit**

2175

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 6-03-2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6-10-1-11.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This action is in response to the RCE filing of 6-03-2010. Claims 19-50 are pending and have been considered below:

#### ***Claim Objections***

1. Claim 28 is objected to because of the following informalities: There are duplicate claims numbered 28. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 19, 21-27, 30, 34-35, 37-43 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ausems et al. ("Ausems" 20030013483 A1) in view of Kumar et al. ("Kumar" 7672879 B1).

**Claim 19:** Ausems discloses a method, comprising:

receiving a plurality of messages of different message types at a communication device;  
and displaying a screen on the communication device, the screen comprising at least three message areas (Figures 3-4),

each message area being associated with a distinct one of the different message types (Figures 3-4; 190,192,194),

each message area comprising an indicator of the associated message type and at least one indicator of at least one message of the associated message type (Figures 3-4; 190,192,194); shown are the message types sms, email etc. and further an indicator of the message is also shown.

However Ausems does not explicitly disclose that two of the message areas being horizontally separated and two of the message areas being vertically separated. Kumar is provided because it discloses message areas and further discloses that the message areas are vertically and horizontally separated (Figure 11). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to provide the layout functionality in Ausems as taught by Kumar. One would have been motivated to provide this functionality because it allows the system to maximize screen space when multiple messages areas are provided.

**Claim 21:** Ausems and Kumar disclose a method of claim 19, wherein the screen

comprises at least five message areas, wherein at least two of the message areas are horizontally separated and at least two of the message areas are vertically separated (Kumar: Figure 11).

**Claim 22:** Ausems and Kumar disclose a method of claim 19, wherein one of the two vertically separated message areas is positioned below the two horizontally separated messages on the screen (Kumar: Figure 11).

**Claim 23:** Ausems and Kumar disclose a method of claim 19, further comprising launching an application associated with one of the message types in response to a selection of the message area associated with said message type (Kumar: Figure 12; Column 38, Lines 60-64 and Column 29, Lines 22-25). Navigation arrow is provided in message indicator.

**Claim 24:** Ausems and Kumar disclose a method of claim 23, wherein the indicator of the associated message type comprises a textual heading and selection of the message area comprises a selection of the textual heading of said message area (Ausems: Figures 3-4; Kumar: Figure 12; Column 38, Lines 60-64 and Column 29, Lines 22-25).

**Claim 25:** Ausems and Kumar disclose a method of claim 19, wherein the indicator of the associated message type comprises a textual heading (Ausems: Figures 3-4 and Kumar: Figure 11).

**Claim 26:** Ausems and Kumar disclose a method of claim 19, wherein the different message types are selected from email, instant messaging, short message service, and voicemail (Ausems: Figures 3-4 and Kumar: Figure 11).

**Claim 27:** Ausems and Kumar disclose a method of claim 19, wherein the at least one indicator of the at least one message comprises textual content from the at least one message (Ausems: Figures 3-4).

**Claim 30:** Ausems and Kumar disclose a method of claim 28, further comprising scrolling through the plurality of indicators within said message area on the screen (Kumar: Figure 11; Section 213 shows a scroll bar provided in the message area).

**Claim 34:** Ausems and Kumar disclose a method of claim 19, wherein the communication device is a wireless mobile communication device (Ausems: Paragraph 29).

**Claim 35:** Claim 35 is similar in scope to claim 19 and therefore rejected under the same rationale.

**Claim 37:** Claim 37 is similar in scope to claim 21 and therefore rejected under the same rationale.

**Claim 38:** Claim 38 is similar in scope to claim 22 and therefore rejected under the same rationale.

**Claim 39:** Claim 39 is similar in scope to claim 23 and therefore rejected under the same rationale.

**Claim 40:** Claim 40 is similar in scope to claim 24 and therefore rejected under the same rationale.

**Claim 41:** Claim 41 is similar in scope to claim 25 and therefore rejected under the same rationale.

**Claim 42:** Claim 42 is similar in scope to claim 26 and therefore rejected under the same rationale.

**Claim 43:** Claim 43 is similar in scope to claim 27 and therefore rejected under the same rationale.

**Claim 47:** Claim 47 is similar in scope to claim 30 and therefore rejected under the same rationale.

4. Claims 20 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ausems et al. ("Ausems" 20030013483 A1) and Kumar et al. ("Kumar" 7672879 B1) in further view of Pathiyal (20030120957 A1).

**Claim 20:** Ausems and Kumar disclose a method of claim 19, but do not explicitly disclose wherein the screen comprises a further message area disposed along a top portion, the further message area comprising an indicator of a newly received message. Pathiyal is provided to show a message area with an additional message area of newly received messages (Figure 2; Paragraph 45). Therefore it would have been obvious to provide the functionality of a new message area in the modified Ausems as taught by Pathiyal. One would have been motivated to provide this functionality because it is a user friendly option that keeps the user aware of any updated information that is available.

**Claim 36:** Claim 36 is similar in scope to claim 20 and therefore rejected under the same rationale.

5. Claims 28-29, 31-33, 44-45, 46 and 48-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ausems et al. ("Ausems" 20030013483 A1) and Kumar et al. ("Kumar" 7672879 B1) in further view of Castell et al. ("Castell" 7283808 B2).

**Claim 28:** Ausems and Kumar disclose a method of claim 27, wherein the at least one indicator of the at least one message further comprises a time associated with said message. Castell is provided because it provides a message system that presents time



associated with the message (Figure 4a). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to provide the time indicator in the modified Ausems as taught by Castell. One would have been motivated to provide this functionality because it allows the user to quickly reference the most recent messages.

**Claim 44:** Claim 44 is similar in scope to claim 28 and therefore rejected under the same rationale.

**Claim 28:** Ausems and Kumar disclose a method of claim 19, but does not explicitly disclose wherein at least one of the message areas comprises a plurality of indicators for a plurality of messages of the associated message type. Castell is provided because it provides a message system that presents indicators associated with the message type (Figure 4a; "snt" "rcv" indicators). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to provide the indicator functionality in the modified Ausems as taught by Castell. One would have been motivated to provide this functionality because it improves user operability by allowing user to promptly obtain the status of the message.

**Claim 45:** Claim 45 is similar in scope to claim 28 and therefore rejected under the same rationale.

**Claim 29:** Ausems, Kumar and Castell disclose a method of claim 28, wherein the plurality of indicators represent both messages sent from and messages received at the communication device (Castell: Figure 4a; "snt" "rcv" indicators).

**Claim 31:** Ausems and Kumar disclose a method of claim 19, but do not explicitly disclose comprising collating the plurality of messages received at the communication device according to a collating criterion, and displaying the screen comprises displaying indicators of the messages thus collated, such that each message area comprises at least one indicator of a message thus collated. Castell is provided because it provides a message system that presents collated/sorted criterion (Figure 4a; date indicators "February 15"; Column 6, Lines 51-54). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to provide the collated/sorted criterion in the modified Ausems as taught by Castell. One would have been motivated to provide this functionality because it improves user operability by allowing user to promptly obtain the pertinent information about the message.

**Claim 32:** Ausems, Kumar and Castell disclose a method of claim 31, wherein the collating criterion is selected from a sender identity, a specified date, and a text string (Castell: Figure 4a; date indicators "February 15")

**Claim 33:** Ausems, Kumar and Castell disclose a method of claim 31, Farther comprising updating the screen thus displayed upon receipt of a new message matching the collating criterion (Castell: Column 11, Lines 1-10).

**Claim 46:** Claim 46 is similar in scope to claim 29 and therefore rejected under the same rationale.

**Claim 48:** Claim 48 is similar in scope to claim 31 and therefore rejected under the same rationale.

**Claim 49:** Claim 49 is similar in scope to claim 32 and therefore rejected under the same rationale.

**Claim 50:** Claim 50 is similar in scope to claim 33 and therefore rejected under the same rationale.

***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherrod Keaton whose telephone number is 571) 270-1697. The examiner can normally be reached on Mon. thru Fri. and alternating Fri. off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on 571-272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SLK

2-24-2011

/William L. Bashore/

Supervisory Patent Examiner, Art Unit 2175